

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA**

VFS LEASING CO.,)	
)	
PLAINTIFF,)	
)	CIVIL ACTION NO.: 3:06CV638-SRW
VS.)	
)	
G. F. KELLY, INC d/b/a KELLY)	
TRUCKING; and GUY KELLY,)	
)	
DEFENDANTS.)	

ANSWER

Comes now the defendants G. F. Kelly, Inc. D/b/a Kelly Trucking and Guy Kelly and hereby file the following Answer:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Defendants do not have sufficient information to admit or deny the allegations made in this paragraph.
6. Defendants admit that the "Guaranty" was executed. The legal effect of the terms of the document is a question for the court.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.

11. Admitted.
12. Admitted.
13. Admitted.
14. Admitted.
15. Admitted.
16. Admitted.
17. Admitted.
18. Admitted.
19. Admitted.
20. Admitted.
21. Admitted.
22. Admitted.
23. Admitted.
24. Denied.
25. Denied.
26. Denied.
27. Denied.
28. Admitted.
30. See responses to previous paragraphs.
31. Admitted.
32. Denied.
33. See responses to previous paragraphs.

- 34. Admitted
- 35. Denied.
- 36. See responses to previous paragraphs.
- 37. Denied.
- 38. Denied.

Affirmative Defenses

- 1. Except to the extent expressly admitted herein, the allegations of the Complaint are denied.
- 2. Plaintiff's damages are limited to the extent that it has failed to mitigate same.
- 3. Defendant denies that plaintiff is entitled to recover against it.

Respectfully Submitted,

/s/ James H. Starnes

James H. Starnes, Attorney for Defendants

OF COUNSEL:

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/s/ S. Sanford Holliday

S. Sanford Holliday, Attorney for Defendants

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DEFENDANTS DEMAND TRIAL BY STRUCK JURY ON ALL ISSUES

/s/ James H. Starnes

James H. Starnes, Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that I have the foregoing pleading electronically using the CM/ECF system which will electronically serve a copy of same on all counsel of record on this the 11th day of August, 2006 as follows:

David B. Hall
Jason Asbell
BAKER DONALDSON
420 North 20th Street, Suite 1600
Birmingham, AL 35203

/s/ James H. Starnes
OF COUNSEL